

REMARKS

I. STATUS OF THE CLAIMS

In the Office Action mailed November 30, 2005, the Examiner rejected all of the pending claims. Independent claims 1, 23, and 25 are amended herein. Support for the amended claims can be found, for example, on page 2, line 16 to page 3, line 12. Claims 1, 5, 9, 10, 17, 19, 20, and 22-29 are pending and under consideration.

No new matter has been added. Approval and entry is respectfully requested. The rejections are traversed below.

II. RESPONSE TO ARGUMENTS

In the Examiner's Response to Arguments in item 1, on page 3, paragraph 2 of the Office Action, the Examiner asserts Nishimoto teaches "according to the menu displayed on the LCD, when the device is operated, the operational mode of the pointing device is changing relative to the finding of the shifting direction (i.e., determination of the direction in which the operational object (cursor or pointer) can be moved) and the shift distance of the finger (direction of which the pointing device can be operated)." Therefore, the Examiner implies that the operation of the pointer to select items according to a menu displayed on the LCD is equivalent to the present invention.

However, this process is different from the present invention as recited, for example, in claim 1. The present invention recites (1) *changing the operation mode of the pointing device and (2) determining the direction in which the operational object can be moved on the display according to the operational mode, (3) and defines the direction in advance in which the operational object can be moved on said display screen*, as recited, for example, in the amended claim 1. Nishimoto does not disclose a control unit for changing an operation mode of the pointing device according to contents displayed on said display screen, as recited, for example in the amended claim 1. In fact, Nishimoto does not disclose changing the operation mode of the pointing device at all. Thus, the pointing device disclosed by Nishimoto has only one operational mode. Therefore, since the pointing device disclosed by Nishimoto has only one operational mode, Nishimoto does not determine the direction in which the operational object can be moved in accordance with the operational mode, nor does Nishimoto define the direction *in advance*, in which the operational object can move. Therefore, the ability to simply move the pointer to select items displayed on a menu is not equivalent to present invention as recited in claim 1, for example.

III. CLAIMS 1, 17, 20, 23, 25, 29 ARE REJECTED UNDER 35 U.S.C. 102(e) AS BEING ANTICIPATED BY NISHIMOTO (PUB. NO. US 2002/0155857).

The present invention as recited, for example, in the amended claim 1, recites a *control unit for changing an operation mode of said pointing device according to contents displayed on said display screen at the time said pointing device is operated*. For example, the amended claim 1 also recites the *control unit determines a direction in which said operational object can be moved on said display screen according to said operation mode, and defines the direction in advance in which the operational object can be moved on said display screen*.

The Examiner cities page 1, paragraphs 9 and paragraphs 52-53 of Nishimoto to assert Nishimoto discloses the present invention as recited, for example, in the amended claim 1. Nishimoto discloses an optical sensor for reading an optical image of a finger that is used to shift a pointer based upon movement of the finger. (see Abstract). Therefore, Nishimoto merely discloses a pointer is moved around an LCD screen based on movement of the user's finger detected by an optical sensor. (see Abstract). However, Nishimoto fails to disclose the present invention as recited, for example, in the amended claim 1. For example, paragraph 9, cited by the Examiner, discloses "the information display section displays information and a pointer used for selecting the information. The Sensor section reads an optical image of a finger and detects movements of the finger. Based upon the movement of the finger detected by the sensor section, the control section shifts the pointer." Similarly, paragraphs 52 and 53, cited by the Examiner, simply discloses "based upon the shifting direction and the shift distance of the finger thus found, CPU 10 shifts the pointer displayed on the LCD 3 through LCD interface 16." Neither of these cited passages disclose a *control unit determining a direction in which the operational object can be moved on the display screen according to an operation mode, and defining the direction in advance in which the operational object can be moved on the display screen*, as recited, for example, in the amended claim 1. Nishimoto also fails to disclose a *control unit for changing an operation mode of said pointing device according to contents displayed on said display screen*, as recited, for example, in the amended claim 1.

The Applicants respectfully submits that Nishimoto does not anticipate the present invention, because Nishimoto fails to disclose all the features of the present invention, as recited, for example, in the amended claim 1.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding differences in the various other claims over the cited reference.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. CLAIMS 5, 9, 10, 19, 22, 24, 26-28 ARE REJECTED UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER NISHIMOTO IN VIEW OF KIM (U.S. PAT. NO. 6765598)

Each of the dependent claims are patentable for at least the reasons stated in sections II and III above. Furthermore, the Examiner concedes Nishimoto does not specifically disclose a pointing device and a telephone wherein said control unit has moving amount adjusting means for moving said operational object by a predetermined step value when said pointing device is operated. Therefore, the Examiner relies on Kim to teach the speed of movement of the movable pointer can be adjusted. (citing col. 1, line 67 to col. 2, line 9 and claim 6 of Kim).

In the cited passages, Kim discloses an on-screen pointer speed controller for controlling the speed of movement of the on-screen pointer between icons, according to a predetermined control signal. However, Kim fails to disclose said control unit has moving amount adjusting means for moving the operational object by a **predetermined step value** when the pointing device is operated, as recited, for example, in claim 5. Furthermore, Kim fails to disclose the moving amount adjusting means moves the operational object by the predetermined step value when the amount of operation of the pointing device **takes the maximum value**, as recited, for example in claim 9. Also, Kim fails to disclose the moving amount adjusting means moves the operation object by the predetermined step value when the amount of operation of the pointing device **exceeds** a predetermined threshold value, as recited, for example, in claim 10.

Although the above comments are specifically directed to claims 5, 9, and 10, it is respectfully submitted that the comments would be helpful in understanding differences in the various other claims over the cited reference.

Therefore, it would not have been obvious to combine Nishimoto's pointing device with the pointing device taught by Kim because neither Kim, nor Nishimoto discloses all the features of the present invention, as recited, for example, in claims 5, 9, and 10. Therefore, the Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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